

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TARAS NYKORIAK,

:

: Case No:

Plaintiff,

:

: Hon.

v.

:

GODADDY.COM, INC.,
an Arizona Corporation,

[formerly filed in the Third
Judicial Circuit Court,
Wayne County, Michigan –
Case No. 15-006957-CZ]

Defendant.

:

/

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Attorneys for Defendant GoDaddy.com, LLC

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

PLEASE TAKE NOTICE that the Defendant ("Defendant" or "GoDaddy"), by its undersigned counsel, hereby removes the action entitled Taras Nykoriak v. GoDaddy.com, Inc., an Arizona Corporation, Case Number 15-006957-CZ, in the Third Judicial Circuit Court, Wayne County, Michigan ("Action"), to the United States District Court for the Eastern District of Michigan, Southern Division, and in support thereof files this Notice of Removal for the following reasons:

1. Plaintiff commenced the Action against Defendant in the Wayne County Circuit Court entitled Taras Nykoriak v. GoDaddy.com, Inc., an Arizona Corporation, Case Number 15-006957-CZ, assigned to Circuit Court Judge, Honorable John H. Gilles, Jr.

2. Defendant was served on July 23, 2015 with the attached Summons and Complaint (Exhibit 1).

3. This Notice of Removal is being filed within thirty (30) days after the receipt by Defendant of a copy of the Summons and Plaintiff's Complaint as required by 28 U.S.C. § 1446(b) and is timely.

4. Copies of all process, orders and pleadings served upon Defendant, which documents are limited to the Complaint and the Summons, are attached hereto and filed with the Court in accordance with 28 U.S.C. § 1446(a).

5. Original federal jurisdiction over this Action is proper under 28 U.S.C. § 1332 (Diversity) and this action is removable from state court under 28 U.S.C. § 1441(a). Plaintiff, in his Complaint, is alleged to be a citizen of and resides in the State of Michigan at 12147 McDougall, Hamtramck, MI 48212. GoDaddy is alleged to be "a Delaware limited liability corporation whose primary corporate address is 14455 N. Hayden Road, Suite 219, Scottsdale, AZ 85260" (Complaint ¶2). In contrast to the allegations of paragraph 2 of the Complaint, the caption of the Complaint mistakenly identified Defendant as "GoDaddy.com, Inc., an Arizona Corporation." On information and belief, no entity by the name of "GoDaddy.com, Inc." exists. GoDaddy.com, LLC is a limited liability company organized under the laws of Delaware with its principal place of business at 14455 N. Hayden Road, Suite 219, Scottsdale, Arizona. GoDaddy's sole member is GoDaddy Operating Company, LLC, a limited liability company organized under the laws of Delaware with its principal place of business in Arizona. GoDaddy.com, LLC is not a citizen of Michigan.

6. The Complaint alleges causes of action against Defendant for Breach of Contract, Money Had and Received, Fraud, Business Disparagement (Defamation) and Tortious

Interference in a Business Relationship or Expectancy. The amount in controversy is alleged in Plaintiff's Complaint to be in the amount of \$250,000 "for breach of contract," "\$250,000 general damages for defendants' fraud, negligence and torts" plus punitive damages, and therefore exceeds the jurisdictional sum or value of \$75,000, exclusive of interest and costs (Complaint – Exhibit 1, prayer for damages).

Removal Is Timely

7. Defendant was served with the Complaint and Summons on July 23, 2015, as set forth above, which was the initial pleading in the case, and which provides the grounds and basis for removal to this Court. Accordingly, this Notice of Removal is timely filed within the thirty (30) days allotted for removal by 28 U.S.C. § 1446(b).

Conclusion

8. Based on the above, Defendant has established that original jurisdiction exists pursuant to 28 U.S.C. § 1332.

9. Removal to this Court is proper pursuant to U.S.C. § 1441(a) because Wayne County, Michigan is contained within the Eastern District of Michigan, Southern Division.

10. This Action is thus one that may be removed to this Federal District Court by Defendant pursuant to 28 U.S.C. § 1441.

11. In accordance with 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will give written notice of removal to Plaintiff and will file a copy of this Notice of Removal with the Clerk of the Circuit Court for the County of Wayne, Michigan.

WHEREFORE, Defendant hereby removes the Action from the Circuit Court of Wayne County, Michigan, to the United States District Court for the Eastern District of Michigan,

Southern Division. Plaintiff is notified to proceed no further in state court unless or until the case is remanded by order of the United States District Court.

Dated: August 19, 2015

Respectfully submitted,

/s/ Robert V. Campedel

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CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2015, a copy of the foregoing Notice of Removal was filed electronically and that I served this Notice of Removal by U.S. Mail, first class postage prepaid, to Plaintiff, who appeared Pro Se in the Wayne County Michigan Circuit Court at the following address, which is listed on the Complaint. I also served the Notice of Filing of Notice of Removal with the Wayne County Michigan Circuit Court via the Wayne County Circuit Court's Electronic Filing System which will serve Plaintiff electronically. I also sent a true and correct copy of the Notice of Filing Of Notice of Removal to Plaintiff at the following address, via U.S. Mail, first class, postage prepaid:

Taras P. Nykoriak
12147 McDougall
Hamtramck, Michigan 48212
tarasnykoriak@nykoriak.org

/s/ Robert V. Campedel
Robert V. Campedel